



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,675	10/27/1999	ERIC JACQUINOT	JACQUINOT=7	3607

1444 7590 01/16/2002

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

DEO, DUY VU

ART UNIT	PAPER NUMBER
----------	--------------

1765

16

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 09/427,675
Filing Date: October 27, 1999
Appellant(s): JACQUINOT ET AL.

Sheridan Neimark
For Appellant

MAILED
JAN 15 2002
GROUP 1700

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/14/01.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 17, 18 and 19, 26-29, 31-36 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Art Unit: 1765

5,958,794	Bruxvoort et al.	9/1999
5,733,176	Robinson et al.	3/1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 17-36 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 11.

(11) *Response to Argument*

Referring to applicant's argument that the rejection is erroneous because there is nothing in the prior art which would have made it obvious to add a surfactant, to the abrasive slurry of Jacquinet, this is irrelevant to the rejection because the rejection doesn't combine the surfactant into the slurry but the rejection describes that the abrasive particles is mixed with surfactant within a polishing pad. The motivation for doing so, to add the surfactant into abrasive particles found in col. 20, line 15-19 of Bruxvoort.

Referring to applicant's argument that Bruxvoort discloses shotgun disclosure of liquid media and no disclosure of any particular or particular types of surfactants to be added to the liquid to be fed between the pad and the work piece. No particular types of surfactants are required for the claims. The claims only cite "a surfactant." For the above reasons, it is believed that the rejections should be sustained. The claims do not cite anything about any particular or particular types of surfactants to be added to the liquid to be fed between the pad and the work piece. In contrary, for more particular types of surfactant, please see Bruxvoort, col. 20, line 65-col. 21, line 15.

Art Unit: 1765

Referring to applicant's argument that the invention provides unexpected result, the unexpected improved result is in light of the specification. The unexpected improved result is not in the claims. Applicant has not shown the claims, wherein any surfactant would meet the claimed limitation, would provide unexpected and improved result.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

DVD

January 14, 2002

CRAWFORD PLLC
1270 NORTHLAND DRIVE
SUITE 390
MENDOTA HEIGHTS, MN 55120


BENJAMIN L. UTECH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700


GREGORY MILLS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700
Appeal Conference